



## **S. 84 — A bill to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces (Rep. McCain, R-AZ)**

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### **FLOOR SCHEDULE:**

Scheduled for consideration on January 13, 2016 subject to a rule.

### **TOPLINE SUMMARY:**

[S. 84](#) would provide an exception to a limitation against the appointment of a person as Secretary of Defense within seven years after leaving active duty as a regular commissioned officer of the Armed Forces. Under current law, a commissioned officer in the Armed Forces of the United States must wait seven years before being appointed Secretary of Defense. The bill would apply to President-elect Trump's nominee for Secretary of Defense, former Marine Corps General [Jim Mattis](#), who retired in 2013.

### **COST:**

No Congressional Budget Office (CBO) estimate is available.

### **CONSERVATIVE CONCERNS:**

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### **DETAILED SUMMARY AND ANALYSIS:**

S. 84 would provide an exception to a limitation against the appointment of a person as Secretary of Defense within seven years after leaving active duty as a regular commissioned officer of the Armed Forces. The bill would amend current law, the second sentence of [section 113\(a\) of title 10, United States Code](#), by allowing the first person appointed, by and with the advice and consent of the Senate, as Secretary of Defense to be a person who is, on the date of appointment, within seven years after relief, but not within three years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces. S. 84 would only apply to the first person appointed as Secretary of Defense after enactment.

**COMMITTEE ACTION:**

S. 84 was introduced on January 10, 2017 and was referred to the Senate Armed Services Committee. S. 84 was passed by the Senate on January 12, 2017 by yea and nay vote: [81-17](#).

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

**CONSTITUTIONAL AUTHORITY:**

Constitutional Authority statements are not required for Senate bills.

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